

Bonnie Lowenthal, Vice Mayor, 1st District  
Suja Lowenthal, 2nd District  
Gary DeLong, 3rd District  
Patrick O'Donnell, 4th District



Gerrie Schipske, 5th District  
Laura Richardson, 6th District  
Tonia Reyes Uranga, 7th District  
Rae Gabelich, 8th District  
Val Lerch, 9th District

Gerald R. Miller, City Manager  
Larry G. Herrera, City Clerk

Bob Foster, Mayor

Robert E. Shannon, City Attorney

## **SPECIAL MEETING**

### **TIME OF CITY COUNCIL MEETING SET FOR 4:00 P.M.**

#### **PROCLAMATION PRESENTED FOR DISABILITY AWARENESS MONTH OCTOBER 2006**

#### **PROCLAMATION PRESENTED FOR MENTAL ILLNESS AWARENESS WEEK OCTOBER 1-7, 2006**

#### **PROCLAMATION PRESENTED FOR OCTOBER IS ARTS MONTH**

Ordinance No. C-7594 provides that hearings shall be set for 5:00 P.M. each Tuesday, and such hearings shall be held at the specified time for which they are set or as soon as practical regardless of the otherwise order of business of the City Council.

### **CONTINUED HEARING:**

1. 06-0751 Recommendation to receive supporting documentation into the record, conclude the hearing and grant the Permit, with or without conditions, or deny the Permit on the application of Lucky Luke, Inc., dba The Copacabana, 2688 South Street, for a Permit for Entertainment With Dancing by Patrons at an existing restaurant. (District 8)

**Office or Department:** FINANCIAL MANAGEMENT

**Suggested Action:** Approve recommendation.

**HEARINGS:**

2. 06-0990      Recommendation to conduct a hearing on the appeal by the appellants (as listed at the end of this agenda) of the Planning Commission certification of the Final Environmental Impact Report (FEIR) and approval of the Site Plan Review, Conditional Use Permit, Tentative Tract Map and Standards Variances related to a proposed Retail-Commercial Center located at 400 Studebaker Road (0308-11) (District 3);
1. Receive supporting documentation into the record, conclude the hearing, deny the appeals and sustain the decision of the Planning Commission to adopt a resolution certifying Final Environmental Impact Report 10-04/SCH No. 2004031093, and adopt a Statement of Overriding Considerations and Mitigation Monitoring Program; and
  2. Approve Site Plan Review, Conditional Use Permit, Tentative Tract Map and Standards Variances for the Retail-Commercial Center, subject to conditions.
- Office or Department:** PLANNING COMMISSION; PLANNING AND BUILDING
- Suggested Action:**      Approve recommendation.

3. 06-0991      Receive supporting documentation into the record, conclude the hearing on the proposed Amendments to the General Plan, Amendments to the Atlantic Avenue Planned Development District (PD-25), Rezoning of 560, 561, 566, 567, 572, 575 and 580 East Vernon Street, 500, 504, 508, 520, 530 and 552 East Willow Street (Case No. 0412-06) (District 6);
1. Adopt resolution amending the General Plan from Land Use Districts LUD No. 1 (Single-Family) and No. 8A (Traditional Retail Strip) to LUD No. 7, (Mixed Uses);
- 06-0992      2. Declare ordinance amending the Atlantic Avenue Planned Development District (PD-25), read the first time and laid over to the next regular meeting of the City Council for final reading; and
- 06-0993      3. Declare ordinance changing zones from single-family residential (R-1-N) and Community Automobile-Oriented (CCA) to the Atlantic Avenue Planned Development District (PD-25), read the first time and laid over to the next regular meeting of the City Council for final reading.
- Office or Department:** PLANNING COMMISSION; PLANNING AND BUILDING

**Suggested Action:**      Approve recommendation.

**PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK**

Opportunity to address the City Council (on non-agenda items) is given to the first 10 persons who submit Speaker Cards to the City Clerk beginning at 15 minutes prior to 4:00 p.m. Each speaker is allowed three minutes to make their comments.

**NOTICE TO THE PUBLIC**

All matters listed under the Consent Calendar are to be considered routine by the City Council and will all be enacted by one motion. There will be no separate discussion of said items unless members of the City Council, staff or the public request specific items be discussed and/or removed from the Consent Calendar for separate action. Requests by the public for separate consideration should be made to the Mayor's Office or City Clerk Department prior to the beginning of the Council meeting.

**CONSENT CALENDAR: (4 - 19)**

4. 06-0985            Recommendation to receive and file report on attendance at the League of California Cities 2006 Annual Conference and Exposition in San Diego, CA.  
**Office or Department:** COUNCILWOMAN GERRIE SCHIPSKE, FIFTH DISTRICT  
  
**Suggested Action:**    Approve recommendation.
5. 06-1009            Recommendation to receive and file report on the 2006 National League of Cities Human Development Steering Committee Meeting in Vancouver, WA.  
**Office or Department:** COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT  
  
**Suggested Action:**    Approve recommendation
6. 06-1010            Recommendation to receive and file report on the National Organization to Insure a Sound-Controlled Environment (NOISE) Conference and Aviation Noise Symposium on September 20 - 22, 2006.  
**Office or Department:** COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT  
  
**Suggested Action:**    Approve recommendation
7. 06-1011            Recommendation to receive and file report on attendance at the NOISE Conference and Aviation Noise Symposium.  
**Office or Department:** COUNCILWOMAN RAE GABELICH, EIGHTH DISTRICT  
  
**Suggested Action:**    Approve recommendation
8. 06-1004            Recommendation to authorize City Attorney to submit Compromise and Release for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$50,000 in compliance with the Appeals Board Order for Anthony Houston.  
**Office or Department:** CITY ATTORNEY  
  
**Suggested Action:**    Approve recommendation.

9. 06-1005 Recommendation to authorize City Attorney to submit Stipulations with Requests for Awards for approval by the Workers' Compensation Appeals Board, and if so approved, authority to pay \$38,080 for the claim of Jim Canales; and \$9,320 for the claim of Reginald Vega, in compliance with the Appeals Board Orders.

**Office or Department:** CITY ATTORNEY

**Suggested Action:** Approve recommendation.

10. 06-1007 Recommendation to adopt resolution recognizing Hispanic Heritage Month.

**Office or Department:** CITY ATTORNEY

**Suggested Action:** Approve recommendation.

11. 06-1003 Recommendation to refer to City Attorney damage claims received between September 14, 2006 and September 28, 2006.

**Office or Department:** CITY CLERK

**Suggested Action:** Approve recommendation.

12. 06-0994 Recommendation to authorize City Manager to execute an agreement with the Public Corporation for the Arts in the amount of \$600,000 to fund arts and cultural activities for a period of one year. (Citywide)

**Office or Department:** CITY MANAGER

**Suggested Action:** Approve recommendation.

13. 06-0995 Recommendation to authorize City Manager to execute a contract for state legislative representation services provided by Michael J. Arnold and Associates for an amount not to exceed \$102,261 for a period of one year. (Citywide)

**Office or Department:** CITY MANAGER

**Suggested Action:** Approve recommendation.

14. 06-0996      Recommendation to authorize City Manager to execute an amendment to Contract No. 28598 extending the term an additional 90 days for federal legislative representation services provided by E. Del Smith and Company, Inc., for an amount not to exceed \$29,580. (Citywide)  
**Office or Department:** CITY MANAGER  
  
**Suggested Action:**    Approve recommendation.
15. 06-0997      Recommendation to adopt Specifications No. PA-00107 and award a contract to Allstar Fire Equipment for furnishing and delivering turnout coats and trousers, in the total estimated annual amount of \$125,000 for the period of one year, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)  
**Office or Department:** FINANCIAL MANAGEMENT  
  
**Suggested Action:**    Approve recommendation.
16. 06-0998      Recommendation to adopt Specifications No. PA-03105 and award contracts to Excelsior Elevator Corporation and Schindler Corporation, in the total estimated annual amount of \$170,000 for the period of one year, with the option to renew for three additional one-year periods, at the discretion of the City Manager. (Citywide)  
**Office or Department:** FINANCIAL MANAGEMENT; PUBLIC WORKS  
  
**Suggested Action:**    Approve recommendation.
17. 06-0999      Recommendation to receive and file the application of Eva Aguilar Ceballos, dba The Nugget Bar, for a person-to-person transfer of an Alcoholic Beverage Control License, at 468-72 W. Anaheim Street, with existing conditions. (District 1)  
**Office or Department:** POLICE  
  
**Suggested Action:**    Approve recommendation.
18. 06-0988      Recommendation to receive and file minutes of:  
Parks and Recreation Commission - August 17, 2006.  
Water Commission - August 17, 2006.  
**Office or Department:** VARIOUS  
  
**Suggested Action:**    Approve recommendation.

19. 06-1008      Recommendation to approve Proclamations presented for Disability Awareness Month, October 2006; for Mental Illness Awareness Week, October 1-7, 2006; and for October Is Arts Month; and Certificates of Recognition presented to Dr. Gwen Mathews, U.S. Sailing Center Foundation, Long Beach Yacht Club, Frances Rains, Long Beach Midnight Basketball Program, Olen M. Scott, U.S. Sailing Center, Community Hospital of Long Beach, Ted Caruthers, Mike and Arlene Walter, Pastor Joe Chaney, Jr., Chief Anthony Batts, Rachel Eva Plotkin, Verizon, Sharon Diggs-Jackson, Long Beach Yacht Club Foundation, Hung Thi Nguyen, and Community Hospital of Long Beach Foundation for the Long Beach Branch National Association for the Advancement of Colored People (NAACP) - 27th Freedom Fund Banquet.

**Office or Department:** LEGISLATIVE

**Suggested Action:**    Approve recommendation.

## **REGULAR AGENDA**

### **DEPARTMENTAL COMMUNICATIONS:**

20. 06-0987      Recommendation to request City Attorney to prepare an amendment to Section 10.22.080 of the Long Beach Municipal Code (Parking Vehicles for Sale), adding the prohibition of parking "for sale" vehicles on Cherry Avenue from South Street to Artesia Boulevard.

**Office or Department:** COUNCILMEMBER VAL LERCH, NINTH DISTRICT

**Suggested Action:**    Approve recommendation.

21. 06-1000      Recommendation to authorize City Manager to execute the Fourth Amendment to Agreement No. 28164 with the Long Beach Area Convention and Visitors Bureau to provide funding in the amount of \$3,930,366 for Fiscal Year 2007. (Citywide)

**Office or Department:** CITY MANAGER

**Suggested Action:**    Approve recommendation.

22. 06-1001 Recommendation to adopt resolution authorizing City Manager to submit a grant application, through the California River Parkways Grant Program to the California Resources Agency, in the amount of \$3 million for Phase I of the DeForest Wetlands Project, and to execute any necessary documents for the implementation and administration of the project at a total cost of \$3 million. (Districts 8,9)

**Office or Department:** PARKS, RECREATION AND MARINE

**Suggested Action:** Approve recommendation.

**ORDINANCES:**

23. 06-1002 Recommendation to declare ordinance amending the Long Beach Municipal Code Subsection 14.20.210, relating to the downtown newsrack pilot program, read the first time and laid over to the next regular meeting of the City Council for final reading. (Districts 1,2)

**Office or Department:** CITY ATTORNEY

**Suggested Action:** Approve recommendation.

24. 06-0959 Recommendation to declare ordinance prohibiting stores greater than 100,000 square feet in size that have greater than 10 percent of floor area dedicated to non-taxable merchandise, with exemptions for merchandise clubs that sell primarily bulk merchandise, read and adopted as read (Case No. 0601-10). (Citywide)

**Office or Department:** PLANNING COMMISSION; PLANNING AND BUILDING

**Suggested Action:** Approve recommendation.

25. 06-0980 Recommendation to declare ordinance amending PD-25, read and adopted as read. (District 6)

**Office or Department:** PLANNING COMMISSION; PLANNING AND BUILDING

**Suggested Action:** Approve recommendation.



26. 06-0981 Recommendation to declare ordinance amending PD-29, read and adopted as read. (Districts 1,6,7)  
**Office or Department:** PLANNING COMMISSION; PLANNING AND BUILDING  
**Suggested Action:** Approve recommendation.
27. 06-0982 Recommendation to declare ordinance amending PD-30, read and adopted as read. (Districts 1,2)  
**Office or Department:** PLANNING COMMISSION; PLANNING AND BUILDING  
**Suggested Action:** Approve recommendation.
28. 06-0961 Recommendation to declare ordinance reclassifying painting contractors from a prohibited use to a permitted use relative to home occupation uses, read and adopted as read (Case No. 0601-13). (Citywide)  
**Office or Department:** PLANNING COMMISSION; PLANNING AND BUILDING  
**Suggested Action:** Approve recommendation.
29. 06-0962 Recommendation to declare ordinance amending the City's residential density bonus standards to conform with the State of California residential regulations, read and adopted as read (Case No. 0601-14). (Citywide)  
**Office or Department:** PLANNING COMMISSION; PLANNING AND BUILDING  
**Suggested Action:** Approve recommendation.
30. 06-0964 Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 10.32.110 relating to preferential residential parking, modifying Preferential Parking District "R", read and adopted as read. (District 4)  
**Office or Department:** CITY ATTORNEY  
**Suggested Action:** Approve recommendation.

**NEW BUSINESS:**

New Business items are additions to the City Council Agenda subsequent to the posting of the agenda on Thursday afternoon.

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**PUBLIC: IMMEDIATELY PRIOR TO ADJOURNMENT**

Opportunity is given to those members of the public who have not addressed the City Council on non-agenda items. Each speaker is limited to three minutes unless extended by the City Council.

**STANDING COMMITTEE REMINDERS:**

Economic Development and Finance Committee (Attorney/Client) at 3:30 P.M., Council Lounge.

October 10, 2006 – Personnel and Civil Service Committee at 9:00 A.M.

October 10, 2006 – Charter Amendment Committee at 4:00 P.M.

**HEARING REMINDERS:**

October 10, 2006 – Hearing on Resolution of Intention to vacate the east-west alley north of Anaheim Street and west of Elm Avenue, accept an easement deed for the widening of the north-south alley and the sidewalk adjacent to 325 E. Anaheim Street. (District 2)

October 10, 2006 – Hearing for Queens Seaport Development, Inc., dba Queen Mary, for a Permit for Entertainment With Dancing by patrons. (District 1)

October 10, 2006 – Hearing for establishing Underground Utility District No. 40 for a portion of Willow Street and Underground Utility District No. 41, for a portion of Alamitos Avenue. (Districts 1,2,6,7)

October 17, 2006 – Continued hearing for Frisco's Food Services, dba Frisco's Restaurant, 4750 Los Coyotes Diagonal, for a Permit for Entertainment Without Dancing by Patrons. (District 4)

**NOTE:**

An agenda may be obtained from the City Clerk Department prior to the meeting or can be mailed if the City Clerk is provided self-addressed, stamped envelopes mailed to: City Clerk Dept., City Hall Plaza Level, 333 W. Ocean Blvd., Long Beach, CA 90802.

The City Council agenda and supporting documents are available on the Internet at [www.longbeach.gov](http://www.longbeach.gov). Persons interested in obtaining an agenda via e-mail should subscribe to the City of Long Beach E-Notify System at <http://www.longbeach.gov/enotify/default.asp>.

Agenda items may also be reviewed in the City Clerk Department or the Plaza Level Information Desk of the Main Library and at Branch Libraries.

If language interpretation for non-English speaking persons is desired or if a special accommodation is desired pursuant to the Americans with Disabilities Act, please make your request by phone to the City Clerk Department at (562) 570-6101, by 12 noon Monday, the day prior to the Council meeting.

E-Mail correspondence regarding agenda items can be directed to [cityclerk@longbeach.gov](mailto:cityclerk@longbeach.gov).

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List of Appellants for Hearing Agenda Item 2:

Gay Keating  
Julie & Denis Bolton  
Kathleen Crawford  
Tom Marchese  
Doug Drummond  
Stephanie Loftin Esq.  
Robert Pontelle  
David Robertson  
Vitaly Lee, AES  
Luce, Forward, Hamilton & Scripps LLP  
Reyna Akers  
Heather Altman  
Suzanne Beck  
Arthur Beland  
Ann Cantrell  
Christine Carey  
Helen Carlson  
Deborah Clawson  
Melinda Cotton  
Janice Dahl  
Ann Denison  
Joan Hawley-McGrath  
Judith Hess  
George Jones  
Frank Marchese  
Jerry Mashburn  
Mary Beth Mashburn  
Don May  
Jeff Miller  
Michael Pugh  
Dean Richardson  
Lisa Rinaldi  
Winona Sherer  
Walter Smith  
Mary Suttie  
Donald Tinsley  
Michael Tinsley  
Sandra Van Horn  
Patricia Weeks